

[*Sauer v. Tennessee Valley Authority*](#), 86-ERA-21 (Sec'y May 4, 1990)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR

WASHINGTON, DC

DATE: May 4, 1990
CASE NO. 86-ERA-21

IN THE MATTER OF

ROBERT C. SAUER,
COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT

This case, which arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982), is before me pursuant to the (Recommended) Order of Dismissal issued by Administrative Law Judge (ALJ) E. Earl Thomas on November 21, 1986.¹ The ALJ's order dismisses the case with prejudice based on consent and settlement by the parties.

Because the Settlement Agreement was never made a part of the record, *see Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, March 23, 1989, slip op. at 1-2, I issued an Order to Submit Settlement Agreement in this case on

April 6, 1990. Counsel for Complainant has complied with my order by submitting for the record a copy of the Settlement Agreement dated August 15, 1986, and signed by Complainant individually and by counsel for Complainant and counsel for Respondent.

I note that the Settlement Agreement appears to encompass the settlement of matters arising under various laws, only one of which is the ERA. *See, e.g.*, Settlement Agreement ¶¶ 3, 4. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, November 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of Complainant's allegations that Respondent violated the ERA.

The Settlement Agreement has been carefully reviewed and I find its terms to be fair, adequate and reasonable. Accordingly, the agreement is approved and I adopt the ALJ's recommendation that this case be DISMISSED with prejudice.

SO ORDERED.

ELIZABETH DOLE
Secretary of Labor

Washington, D.C.

[ENDNOTES]

¹ The ALJ issues only recommended decisions which then should be forwarded to me for the issuance of a final order. 29 C.F.R. § 24.6(a) (1989).